

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that the attached papers and/or fee are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington DC 20231.

Jan 5, 2001  
(Date)

Mary Rutkowski  
(Printed Name)

Mary Rutkowski  
(Signature)

Docket No. MOG 57701/UST

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: Maarten Hendrik STUIVER et al.

SERIAL NUMBER: 09/581,331

GROUP ART UNIT: 1635

FILED: July 21, 2000

EXAMINER: K. Lacourciere

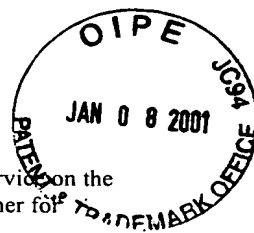
FOR: Constitutive Plant Promoters

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION  
IN ACCORDANCE WITH 37 CFR §§1.821 THROUGH 1.825**

- ☒ I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the information recorded in computer readable form is identical to the written Sequence Listing.
- ☒ I hereby state that the submission filed in accordance with 37 C.F.R. 1.821(g) does not include new matter.
- ☐ I hereby state that the submission filed in accordance with 37 C.F.R. §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- ☒ I hereby state that the amendments, made in accordance with 37 C.F.R. §1.825(a), included in the substitute sheet(s) of the Sequence Listing are supported in the application, as filed, in pages 1-10 of the Sequence Listing. I hereby state that the substitute sheet(s) of the Sequence Listing does (do) not include new matter.
- ☒ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 C.F.R. §1.825(b), is the same as the amended Sequence Listing.



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JAN 16 2001

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☐ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 C.F.R. §1.85(d), contains identical data to that originally filed.

Respectfully submitted,  
Syngenta Crop Protection, Inc.

Dated: *January 5, 2001*

*Liza D. Hohenschutz*  
Liza D. Hohenschutz  
Attorney for Applicant(s)  
Reg. No. 33,712  
Telephone: 302/476-2088

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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WD 1635  
BOX SEQ  
Attorney's Docket No.: MOG 57701/UST

TO: ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

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<b>TRANSMITTAL FORM</b>	<b>Applicant(s):</b>	Maarten Hendrik STUIVER et al.	JAN 16 2001
	<b>Serial No.:</b>	09/581,331	TECH CENTER 1600/29
	<b>Filing Date:</b>	July 21, 2000	RECEIVED
	<b>Group Art Unit:</b>	MOG 57701/UST	
	<b>Examiner:</b>	K. Lacourciere	JAN 11 2001

ENCLOSURES	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Amendment/Response
<input type="checkbox"/> Recordation of Assignment	<input checked="" type="checkbox"/> Computer Disk Containing Sequence Listing
<input type="checkbox"/> Response to Missing Parts:	<input checked="" type="checkbox"/> Paper Copy of Sequence Listing
<input type="checkbox"/> Declaration for Patent Application	<input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief
<input type="checkbox"/> Genetic Sequence Listing	<input checked="" type="checkbox"/> Copy of Notice to Comply
<input type="checkbox"/> Information Disclosure Statement/PTO-1449	<input checked="" type="checkbox"/> Statement to Support Filing and Submission in Accordance with 37 CFR 1.821-1.825

FEE AUTHORIZATION

Please charge the amount due on the above application to Deposit Account No. 09-0013. The estimated fee due is: \$-0-. The Commissioner is hereby authorized to charge any fees which may be required in connection with this correspondence, or credit any overpayment to Deposit Account No. 09-0013. This sheet is submitted in duplicate.

Date: January 5, 2001

Liza D. Hohenschutz  
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Certificate of Mailing	
I hereby certify that this correspondence is being deposited on <u>Jan. 5, 2001</u> with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.	
<u>Mary Rutkowski</u> Mary Rutkowski	